IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

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§ CIVIL ACTION NO. 5:12-CV-492-FB-PMA
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§ JURY DEMANDED
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DEFENDANT MOBOTIX CORP.'S RESPONSE TO COURT'S JULY $\mathbf{1}^{ST}$ ORDER TO SHOW CAUSE

Defendant Mobotix Corp. ("Mobotix") files this Response to the Court's Order to Show Cause entered July 1, 2014 (Dkt. No. 37). Plaintiff e-Watch, Inc. ("e-Watch"), a corporation, has not been represented by counsel since April 30, 2014, and has failed to comply with the Court's Order Granting Motion to Withdraw (Dkt. No. 36) and the Court's Order to Show Cause (Dkt. No. 37).

On April 30, 2014, the Court entered its Order Granting Motion to Withdraw of attorney W. Shawn Staples and all attorneys associated with Stanley Frank & Rose, LLP. *See* Dkt. No. 36. Pursuant to the Court's Order, "an attorney-in-charge must make an appearance for Plaintiff, e-Watch, Inc. within 60 days for this order or show cause why this case should not be dismissed." *Id*.

The Court-imposed 60-day deadline – Monday, June 30, 2014 – passed with e-Watch failing to comply with the Order. On July 1, 2014, the Court entered an Order to show cause

requiring (1) e-Watch to show cause why each of e-Watch's claims and requests for relief should

not be dismissed, and (2) Mobotix to show cause why its counterclaims and requests for relief

against e-Watch should not be dismissed without prejudice and the entire case be dismissed and

closed.

As of the filing date of this response, e-Watch has failed to comply with the present

Order and each of its claims and requests for relief should be dismissed with prejudice.

Mobotix has no opposition to the dismissal without prejudice of its counterclaims against

e-Watch if, in fact, e-Watch's claims and requests for relief are dismissed with prejudice. In this

event, Mobotix would have no opposition to the entire case being dismissed and closed.

In light of the foregoing, Mobotix prays that the Court enter an order dismissing e-

Watch's claims with prejudice, dismissing Mobotix's counterclaims without prejudice, and

closing this case. Mobotix further requests all other relief, in law or in equity, to which it is

justly entitled.

Dated: July 22, 2014

Respectfully submitted,

/s/ Natalie Swider

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ATTORNEYS FOR DEFENDANT MOBOTIX CORP.

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of July, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all attorneys consenting to electronic service.

I further hereby certify that a true and correct copy of the foregoing has been served on e-Watch, Inc., David Monroe, President, 23011 IH-10 West, San Antonio, TX 78257, by certified mail, return receipt requested, on the 22nd day of July, 2014.

/s/ Natalie Swider	
Natalie Swider	